

VZCZCXRO4375
OO RUEHCHI RUEHDT RUEHHM RUEHNH
DE RUEHGO #0090/01 0471139
ZNY CCCCC ZZH
O 161139Z FEB 10
FM AMEMBASSY RANGOON
TO RUEHC/SECSTATE WASHDC IMMEDIATE 9850
INFO RUCNASE/ASEAN MEMBER COLLECTIVE
RUEHGG/UN SECURITY COUNCIL COLLECTIVE
RUEHBY/AMEMBASSY CANBERRA 2434
RUEHNE/AMEMBASSY NEW DELHI 5929
RUEHUL/AMEMBASSY SEOUL 9492
RUEHKO/AMEMBASSY TOKYO 7119
RUEHCHI/AMCONSUL CHIANG MAI 2438
RHEHNSC/NSC WASHDC
RHHMUNA/CDR USPACOM HONOLULU HI
RUCNDT/USMISSION USUN NEW YORK 2859
RUEKJCS/SECDEF WASHDC
RUEKJCS/JOINT STAFF WASHDC

C O N F I D E N T I A L SECTION 01 OF 02 RANGOON 000090

SIPDIS

DEPT FOR EAP/MLS, DRL, AND IO
PACOM FOR FPA

E.O. 12958: DECL: 02/15/2020

TAGS: [PGOV](#) [PREL](#) [PHUM](#) [BM](#)

SUBJECT: UN SPECIAL RAPPORTEUR FOR HUMAN RIGHTS BRIEFS
DIPLOMATIC CORPS AT OUTSET OF VISIT

REF: A. REF A: 09 RANGOON 110

[1](#)B. REF B: 09 RANGOON 518

RANGOON 00000090 001.2 OF 002

Classified By: Political Officer Marc Shaw for Reasons 1.4 (b) & (d)

Summary

[1](#)1. (C) In a February 15 meeting with diplomats at the beginning of his five-day visit to Burma, UN Special Rapporteur for Human Rights Tomas Ojea Quintana said he plans to use his trip to encourage and assess GOB progress on his past human rights recommendations. He reported the GOB has approved his requests to travel to Northern Rakhine State (NRS) to meet with Rohingya ethnic minorities and to meet at Insein Prison with select (though still unnamed) political prisoners. His other requests -- including to see representatives of the judiciary, senior government officials, and Aung San Suu Kyi (ASSK) -- are still pending. Also on February 15, Ojea Quintana met ASSK's legal team, including National League for Democracy (NLD) spokesperson and ASSK attorney Nyan Win, to discuss ASSK's legal case. Ojea Quintana told the diplomatic corps that he will only address the elections in the context of human rights, since "political" issues fall outside his mandate. He plans to brief the diplomatic corps at the conclusion of his visit February 19. End Summary.

UN HR Special Rapporteur Arrives Without a Schedule

[1](#)2. (C) Ojea Quintana, who last visited Burma in February 2009 (Ref A), told the diplomatic corps February 15 that a key purpose of his current visit is to assess GOB progress on the four core human rights recommendations he has made in his past visits and reports: the release of prisoners of conscience; reform of legislation on which the government relies to prosecute such prisoners; establishment of an independent judiciary; and reform of the military to respect human rights and humanitarian law. He refused to offer his view of the GOB's record to date on those recommendations, noting that he would provide an assessment at a planned follow-up meeting with diplomats February 19.

13. (C) Ojea Quintana admitted in a separate conversation with the DCM that he arrived in Burma with no agreed-upon schedule. However, he announced at the larger meeting that the GOB had subsequently approved his visit to NRS, home to the Rohingya Muslim minority, to assess the human rights situation there. The GOB also granted his request to meet with select, though still unnamed, political prisoners at Insein Prison. Ojea Quintana indicated he believes those meetings will be private, adding that he will use his own interpreter. He also hopes to meet with senior GOB officials, including the ministers of Home Affairs and Foreign Affairs, the Chief Justice, the Attorney General and his deputy, and two judges from Insein Court, though he admitted that as of yesterday none of the meetings had been confirmed. Ojea Quintana reported that he had not received approval to meet with Aung San Suu Kyi, and he solicited the diplomatic community's help in that endeavor. (Note: the CDA on February 16 urged the Singapore Ambassador, as Dean of the Diplomatic Corps, to intercede with the GOB in support of Ojea Quintana's request; the CDA has also offered to host a meeting for Ojea Quintana with human-rights contacts.) Ojea Quintana remarked to diplomats that his requests to see ASSK during past visits had been denied and he did not seem optimistic the government would approve the meeting this time either.

14. (C) Ojea Quintana offered no specifics on what he hopes to achieve during this visit beyond conducting a review of his past recommendations. He stressed the need to meet with government officials to discuss, in confidence, the range of human rights issues before he makes any public statements. On elections, the special rapporteur repeated several times in response to questions that he must tread softly on the

RANGOON 00000090 002.2 OF 002

subject in discussions with the government since politics is outside his purview. He plans to address elections in the broader context of human rights, focusing on issues such as the release of political prisoners and the need for freedom of speech, assembly, and association -- which would be necessary for a free and fair electoral process. Similarly, overtly broaching the issue of the 2008 Constitution is out of bounds, Ojea Quintana noted in response to diplomats' queries. He said two years have passed since the referendum, so it would be counter-productive to re-visit the issue in any event.

15. (C) Several diplomats pointed out that Ojea Quintana, as a high-level UN representative, has a rare opportunity to speak directly to senior GOB officials, so it is important that he carry as clear and as broad a message as possible. In a smaller gathering after the briefing, DCM noted the new U.S. policy approach on Burma and encouraged Ojea Quintana to press the GOB to take advantage of the opportunity it presents, taking concrete steps on human rights for which the USG and others, like the EU, would be prepared to respond positively.

Meeting with ASSK's Lawyers

16. (C) ASSK lawyer and NLD spokesperson Nyan Win told us that he and the three other members of ASSK's legal team -- Kyi Win, Hla Myo Myint, and Khin Htay Kywe -- met for one hour with Ojea Quintana at Mya Yeik Nyo government-run hotel later in the day on February 15. They discussed the human rights violations occurring in Burma's judiciary system and ASSK's efforts to appeal her conviction relating to Amcit John Yettaw's unauthorized intrusion into her compound (Ref B).

Comment

17. (C) Ojea Quintana was generally tight-lipped in the dip

corps briefing, but more candid in a pull-aside discussion with U.S. and like-minded representatives, free of government minders (and likely listening devices). He lamented the fact that he did not have a confirmed schedule prior to arrival, that he must stay at a government-run guest house, and that the Ministry of Home Affairs is controlling his every move -- though this is par for the course for UN visitors. The GOB has thus far provided no indication it is taking this oft-delayed visit seriously. Nevertheless, Ojea Quintana expressed confidence that he will get "a sense of the situation" and will be able to "reach conclusions" by the end of the visit. Based on his past reports, it's reasonable to take him at his word on this count, but even he is not professing the ability to influence the GOB's actions -- a more important measure of success. We'll see what he has to say at the end of his visit.

DINGER